



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
Diane Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2306844
Applicant Name: Michael Cabe for Jerry Kenney
Address of Proposal: 707 Westlake Ave N

SUMMARY OF PROPOSED ACTION

Master Use Permit to change the use of a 1,895 sq.ft. portion of restaurant to apartment in an existing building meeting mixed use development standards. No change in parking is required.

The following approval is required:

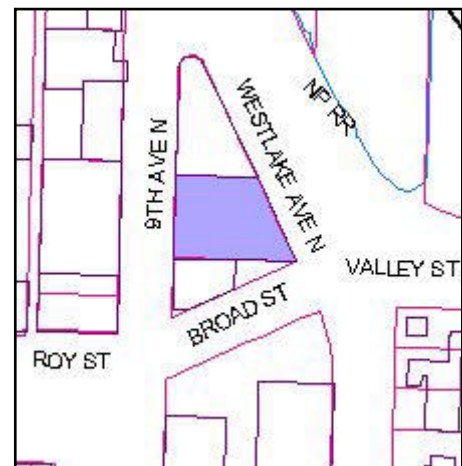
Administrative Conditional Use – To allow a residential use in a Commercial 2 (C2) zone in a structure meeting mixed use development standards, pursuant to Seattle Municipal Code (SMC) 23.47.006.B.5.a.

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS
☐ DNS with conditions
☐ DNS involving non-exempt grading or demolition or involving another agency with jurisdiction

BACKGROUND

The project involves making interior alterations to the northeast corner of the second floor of an existing structure to establish a 1,895 square foot apartment per plans submitted with the MUP application—the ground floor spaces will continue to be used for restaurant and retail use(s). Approximately 26 parking spaces are provided by off-site parking.

The site is located in a C2 zone with a 65 foot height limit. The site, located at 707 Westlake Ave N, is within the Queen Anne/Magnolia neighborhood and is on the western edge of the Lake Union neighborhood. Adjacent properties to the west and south are zoned C2-65; and C2-40 to the north, northeast and southeast.



Public Comments

Public notice of the Master Use Permit application was published on November 6, 2003 and mailed to neighboring properties within 300 feet of the project site. The public comment period ended on November 19, 2003. No comments were received.

ANALYSIS - ADMINISTRATIVE CONDITIONAL USE

The proposal, to establish a residential use in a C2 zone requires approval of an administrative conditional use permit pursuant to the criteria identified at SMC Section 23.47.006.B.5. The applicable criteria are as follows (discussion of consistency with criteria interspersed):

- (1) *Availability of suitable land for C2 activities. Residential uses shall generally be discouraged in areas which have limited vacant land and where, due to terrain and large parcel size, land is particularly suitable for commercial rather than residential development.*

The lot and block on which the residential use is proposed has no vacant land area that is available for C2 activities. No residential use(s) exist with the block area, the terrain for the land is relatively flat (approx. a three (3) foot rise—from the east to the west) and the parcel size is approx. 18,000 square feet in size.

The site and surrounding area are well suited to commercial uses as evidenced by existing development. The existing development on the site includes ground level restaurant and retail sales/service use(s). The surrounding land areas use(s) surrounding are a mix of indoor participant sport, automobile repair, automotive sales/service, restaurant with lounge, retail/sales and service, the Naval Reserve Facility, and a public park. However, because the proposal involves modification of a relatively small amount of space in an existing building, the establishment of one residential unit will not adversely affect the supply of commercially-suitable land in the area.

- (2) *Relationship to transportation systems. Residential uses shall generally be discouraged in areas with direct access to major transportation systems such as freeways, state routes and freight rail lines.*

The site is served by Metro Bus Routes #17 and #74; along Westlake Ave N and along 9th Ave N. Access to Interstate 5 is 8 blocks east of the proposal. Aurora Ave N (State Route 99) is located 3 blocks to the west. Freight rail lines are not located in the immediate area.

The site and the area in which it is located have relatively direct access to major transportation systems. However, the potential convenience of this access is somewhat diminished because of the very high levels of traffic congestion on streets such as Mercer and Valley.

- (3) *Compatibility with surrounding areas. Residential uses shall not be allowed in close proximity to industrial areas and/or in areas where nonresidential uses may create a nuisance or adversely affect the desirability of the area for living purposes.*

Given the current restaurant and retail use(s) already in place in the zone and the widths for the adjacent rights-of-way, the second floor residential use appears to be compatible with the adjacent lots and surrounding area. The block fronts adjacent to the proposal site are developed with: a city park and Navy Reserve Facility to the northeast; billiard's club (indoor participant

sport) to the north; auto retail/sales and service, restaurant with lounge to the west; retail sales and services, and auto retail/sales and service use to the south; and vacant commercial structures to the southeast. None of the uses identified are industrial uses thus, no industrial nuisances or adverse effects are anticipated that would impinge on the desirability of the area for living purposes.

Two additional criteria for approval of all conditional use applications in commercial zones, stated at SMC Section 23.47.006.A.1 and 2 are as follow:

1. *The use shall not be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.*

The proposed residential use should not be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which it is located. Maintaining the current ground level restaurant/retail use and adding the second floor residential use enhances the visual, physical and functional conditions of the property. A residential activity within the structure should increase property/pedestrian safety for the area through informal surveillance of the commercial zone.

2. *In authorizing a conditional use, adverse impacts may be mitigated by imposing any conditions needed to protect other properties in the zone or vicinity and to protect the public interest. The Director shall deny or recommend denial of a conditional use if it is determined that adverse impacts cannot be mitigated satisfactorily.*

No adverse impacts have been identified for the residential use being proposed that would require mitigation pursuant to the conditional use authority.

Conclusion

Application of the conditional use criteria to the subject site leads to the conclusion that residential uses should be permitted. The area is suitable for a mix of commercial and residential uses. It is not so particularly suited to extensive commercial uses or intensive/extensive industrial uses that preclude residential uses in the area.

DECISION – ADMINISTRATIVE CONDITIONAL USE

The proposal for residential use in a mixed-use structure in a C2 zone is **GRANTED**.

CONDITIONS – ADMINISTRATIVE CONDITIONAL USE

None required.

Signature: (signature on file) Date: February 12, 2004
Colin R. Vasquez, Land Use Planner
Department of Planning and Development